

REMARKS

Applicants hereby incorporate (by reference) into this Response the Amendment filed on January 29, 2007 and the Remarks therein. Applicants respectfully request that the Examiner review the Remarks set forth in the Amendment filed on January 29, 2007 in addition to the Remarks set forth below.

Claims 1, 4, and 7-38 are pending.

Request to consider Information Disclosure Statement

Applicants respectfully request that the Information Disclosure Statement submitted on January 29, 2007 be considered by the Examiner.

Response to claim rejections

In Paragraph No. 2 of the final Office Action, as corrected by the comments within the Advisory Action, claims 1, 4, 8-10, 15-18, 25, 26, 27, 29, and 34-35 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Matyjaszewski et al. (U.S. Patent No. 5,807,937) (hereinafter "Matyjaszewski"). In Paragraph No. 5 of the final Office Action, as corrected by the comments within the Advisory Action, claims 6-7, 11-14, 17-24, 28, 30-33, 36-37, and 38 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Matyjaszewski in view of Hayama et al. (U.S. Patent No. 6,123,933) (hereinafter "Hayama").

Applicants initially note that claim 6 has been canceled. Applicants respectfully submit that the rejections as they pertain to claim 6 are moot.

The present claims recite a cosmetic polymer composition comprising a straight-chain block copolymer having a unit derived from a compound having an ethylenic unsaturated bond, having a number-average molecular weight of 1.0×10^3 to 1.0×10^6 , and having two or more glass transition points or melting points. The block copolymer comprises at least one block composed of a unit having a hydrophilic group which is at least any one selected from groups consisting of an anionic group consisting of a carboxylic acid group, a sulfonic acid group, a phosphonic acid group and salts of these groups; a cationic group consisting of an amino group (including quaternary ammonium salt group), a pyridyl group and salts of these groups; a nonionic group consisting of a hydroxyl group, an alkoxy group, an epoxy group and a cyano group; an amphoteric ionic group consisting of a carboxybetaine group; and a semipolar group consisting of an amine oxide group. The block copolymer also comprises at least one block formed by hydrolysis, quaternization or amine-oxide-forming treatment after polymerization. Thus, at least one block chain of the block copolymer is post-treated as a whole to form a new block chain.

The Advisory Action of February 16, 2007 sets forth the position that Matyjaszewski discloses a block copolymer where at least one block is formed by hydrolysis, quaternization, or amine-oxide-forming treatment. Specifically, column 39, lines 16-20 of Matyjaszewski are cited for this teaching.

Applicants respectfully submit that Matyjaszewski does not disclose or teach a block copolymer that comprises at least one block formed by hydrolysis, quaternization, or amine-oxide-forming treatment after polymerization. As referred to in the Advisory Action, Matyjaszewski discloses that “[t]he end functionality of the [c]opolymers ... can be easily

converted to other functional groups (e.g. Cl, Br and I can be converted to OH or NH₂ by known processes...), thus facilitating their use in chain extension processes” column 39, lines 16-20 (emphasis added). Applicants also respectfully submit that it appears that the conversion of functionality is carried out only at the end of the copolymer chain and only for the next step of lengthening the chain length. Accordingly, the conversion to OH or NH₂ that is disclosed within Matyjaszewski is carried out in order to enable further polymerization.

Applicants’ claims, on the other hand, recite a block copolymer that comprises at least one block formed by hydrolysis, quaternization, or amine-oxide-forming treatment after polymerization. Specifically, the conversion of functionality is carried out on one block as a whole to form a new block, rather than being carried out only at the end in order to increase the length of the polymer chain, as disclosed within Matyjaszewski. Applicant respectfully submits that Matyjaszewski therefore does not anticipate or render obvious the present claims.

Applicants also respectfully submit that Hayama does not cure the deficiencies within Matyjaszewski. Hayama is cited for its disclosure of a hair cosmetic composition comprising an amine-oxide-containing water-soluble resin (see page 6 of the final Office Action). Hayama was not cited as disclosing, and does not disclose or render obvious, the presently recited copolymer comprising at least one block formed by hydrolysis, quaternization, or amine-oxide-forming treatment after polymerization. Because this element is also not present in Matyjaszewski, Applicants respectfully submit that the combined teachings of Matyjaszewski and Hayama do not render obvious the present claims.

RESPONSE UNDER 37 C.F.R. § 1.114(c)
Appln. No. 10/798,511

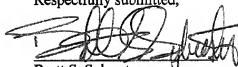
Atty. Docket No. Q80930

In view of the above, Matyjaszewski, either by itself or in combination with Hayama, does not anticipate or render obvious the present claims. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejections set forth in the final Office Action.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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